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OFFICE OF PETITIONS

In re Application of :
He et al. :
Application No. 10/779,505 :
Filed: 02-13-2004 :
Attorney Docket No. 3075.NWN :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on February 28, 2007, to revive the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on its merits. The Office apologizes for any inconvenience.

The application became abandoned on October 28, 2006, for failure to file a timely and proper response to the final Office action mailed on July 27, 2006, which set a three (3) month shortened statutory period for reply. On February 16, 2007, the Office mailed a Notice of Abandonment.

With the present petition, petitioner submitted an amendment in response to the final Office action. Upon reviewing the amendment, the examiner determined that the amendment did not place the application in condition for allowance. An Advisory Action accompanies this decision. Additionally, petitioner submitted a notice of appeal and fee.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a Notice of Appeal and paid the requisite fees. Accordingly, the petition is **granted**. **Petitioner must file an appeal brief within two months from the mailing date of this decision.**

This matter is being referred to Technology Center Art Unit 1711.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

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